



PATENT
Docket No. 377882001700

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST and Stephen TUCK

Serial No.: 09/802,376

Filing Date: March 9, 2001

For: IMMUNOMODULATORY
FORMULATIONS AND METHODS
FOR USE THEREOF

Examiner: To Be Assigned

Group Art Unit: 1636

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents numbered 2-4, 6 and 7 listed on the attached Form PTO-1449 were cited in the Search Report mailed on February 11, 2002 (copy attached) directed to a related international application. Please note the cited PCT publication No. WO 00/16804, as well as the cited article "Immunostimulatory DNA sequences function as T helper-1-promoting adjuvant," by Mark Roman et al. were not included on the form 1449 as they were both cited in a previous Information Disclosure Statement submitted on October 24, 2001 for the present application.

This Information Disclosure Statement is submitted:

- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.


Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

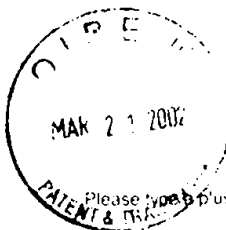
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 377882001700. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 12, 2002

Respectfully submitted,

By: 
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/802,376

Filing Date March 9, 2001

First Named Inventor Gary VAN NEST

Group Art Unit 1636

Examiner Name To Be Assigned

Total Number Of Pages In This Submission

11 + 9
REFS

Attorney Docket No.

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ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declarations

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Supplemental Information Disclosure
Statement (3 pages)

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53 (2
pgs)

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify
below)

1. Form PTO-1449 plus copy (2 pages)

2. PCT International Search Report for (5 pages)

3. Nine (9) References

4. Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, CA 94304-1018

or

Individual Name

Karen R. Zachow, Reg. No. 46,332

Signature

Karen R. Zachow

Date

March 12, 2002

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March 12, 2002

Hazel M. Raskowitz
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This certificate is valid for 30 days from the date of issuance. Any correspondence received after the expiration of this period shall be deemed to have been received by the United States Patent and Trademark Office on the date of receipt. This certificate is not valid for use in connection with the filing of a patent application in the United States Patent and Trademark Office.